

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

KCAS, LLC, a Wyoming Limited Liability Company,	Case No. _____
Plaintiffs,	COMPLAINT
vs.	
NASH-FINCH CO., a Delaware Limited Liability Company,	
Defendant.	

Plaintiff for its cause of action against the Defendant states and alleges as follows:

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Wyoming.
2. Defendant is a Delaware limited liability company.
3. At all relevant times Defendant owned and operated a gas station and convenience store located at 121 W. 27th Street, Scottsbluff, Scotts Bluff County, Nebraska.
4. At all relevant times the real estate upon which the convenience store operated was owned by ABSRM Investor, LLC.
5. Between August of 2014 and January of 2015 Plaintiff and Defendant engaged in negotiation for the purchase of personal property assets owned by Defendant and which were located and/or utilized at the convenience store and a sublease for the property owned ABSRM Investor, LLC.
6. During the course of the negotiation Defendant agreed to sublease the real estate to Plaintiff for \$1,856.45 per month.
7. Plaintiff and Defendant agreed that Plaintiff would purchase the assets, equipment and inventory located at the convenience store for \$2,500.00 plus the value of inventory on the day of closing.
8. Closing the transaction between Plaintiff and Defendant was to occur in the last two weeks of February, 2015.

**EXHIBIT
A**

9. Plaintiff provided all information and met all prerequisites required by Defendant for completion and execution of the agreements entered into between Plaintiff and Defendant.

10. On June 17, 2015, Defendant, through its agent informed Plaintiff that Defendant intended to go "in a different direction".

FIRST CAUSE OF ACTION

11. Plaintiff incorporates 1 through 10 above as if fully set forth herein.

12. Defendant breached its agreement to sublease the convenience store to Plaintiff.

13. As a direct and proximate result of Defendant's breach Plaintiff has been damaged in an amount equal to the anticipated revenue which could have been generated by Plaintiff for the sale of fuel and merchandise less the cost of operation of the business. Based upon Plaintiff's years of experience in the industry Plaintiff's net profit per month would have been approximately \$17,000 to \$20,000 per month.

SECOND CAUSE OF ACTION

14. Plaintiff incorporates 1 through 13 as if fully set forth herein.

15. Defendant breached the asset purchase agreement entered into between Plaintiff and Defendant. As a direct and proximate result of Defendant's breach Plaintiff has been damaged in an amount to be proven at trial but no less than \$150,000.00.

WHEREFORE, Plaintiff prays for judgment against the Defendant in an amount to be proven at trial on Plaintiff's first cause of action and for an amount to be proven at trial on Plaintiff's second cause of action, for costs of this action and attorney fees as allowed by law.

DATED: October 12, 2017.

KCAS, LLC, Plaintiff

By: /s/ Andrew W. Snyder

Andrew W. Snyder, NSBA #20611
CHALOUPKA, HOLYOKE, SNYDER,
CHALOUPKA & LONGORIA, PC, LLO
1714 Second Avenue
Post Office Box 2424
Scottsbluff, NE 69361
Telephone: (308) 635-5000
Facsimile: (308) 635-8000
E-mail: aws@chhsclaw.net

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

KCAS, LLC, a Wyoming Limited Liability Company,	Case No. _____
Plaintiffs,	PRAECIPE
vs.	
NASH-FINCH COMPANY., a Delaware Limited Liability Company,	
Defendant.	

TO THE CLERK OF THE COURT:

Please prepare summons as follows:

NAME AND ADDRESS OF
PARTY TO BE SERVED:

MANNER OF SERVICE:

NASH-FINCH COMPANY
c/o CSC-LAWYERS INCORPORATION SERVICE
SUITE 1900
233 SOUTH 13TH STREET
LINCOLN, NE 68508

Personal

Please issue a Summons for service by U.S. Certified Mail. Please attach a copy of the Complaint to the Summons.

KCAS, LLC, Plaintiff

By: /s/ Andrew W. Snyder

Andrew W. Snyder, NSBA #20611
CHALOUPKA, HOLYOKE, SNYDER,
CHALOUPKA & LONGORIA, PC, LLO
1714 Second Avenue
Post Office Box 2424
Scottsbluff, NE 69361
Telephone: (308) 635-5000
Facsimile: (308) 635-8000
E-mail: aws@chhsclaw.net

Image ID:
D00070122D21

SUMMONS

Doc. No. 70122

IN THE DISTRICT COURT OF Scotts Bluff COUNTY, NEBRASKA
Scotts Bluff County Courthouse
P.O. Box 47
Gering NE 69341 0047

KCAS, LLC v. Nash-Finch Co.

Case ID: CI 17 574

TO: Nash-Finch Co.

FILED BY
Clerk of the Scotts Bluff District Court
10/12/2017

You have been sued by the following plaintiff(s):

KCAS, LLC

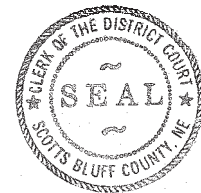
Plaintiff's Attorney: Andrew Snyder
Address: 1714 Second Avenue
P.O. Box 2424
Scottsbluff, NE 69363-2424
Telephone: (308) 635-5000

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: OCTOBER 12, 2017

BY THE COURT:

Darla Simpson
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Nash-Finch Co.
Suite 1900
233 South 13th Street
Lincoln, NE 68508

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

SERVICE RETURN

Doc. No. 70122

SCOTTS BLUFF DISTRICT COURT
 Scotts Bluff County Courthouse
 P.O. Box 47
 Gering NE 69341 0047

To:

Case ID: CI 17 574 KCAS, LLC v. Nash-Finch Co.

Received this Summons on _____, _____. I hereby certify that on
 _____, _____ at _____ o'clock __M. I served copies of the Summons
 upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____ miles _____

TOTAL \$ _____

Date: _____ BY: _____
 (Sheriff or authorized person)

**CERTIFIED MAIL
 PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,
 TO THE PARTY: _____

At the following address: _____

on the _____ day of _____, as required by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the party was signed on _____, _____.

To: Nash-Finch Co.
 Suite 1900
 233 South 13th Street
 Lincoln, NE 68508

From: Andrew Snyder
 1714 Second Avenue
 P.O. Box 2424
 Scottsbluff, NE 69363-2424

ATTACH RETURN RECEIPT & RETURN TO COURT

*** EFILED ***

Case Number: D21CI170000574

Transaction ID: 0005957934

Filing Date: 10/25/2017 03:50:45 PM MDT

SERVICE RETURN

SCOTTS BLUFF DISTRICT COURT
 Scotts Bluff County Courthouse
 P.O. Box 47
 Gering NE 69341 0047

To:

Case ID: CI 17 574 KCAS, LLC v. Nash-Finch Co.

I hereby certify that on

ed copies of the Summons

SENDER: COMPLETE THIS SECTION		COMPLETE TH'S SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Nash-Finch Co. Suite 1900 233 South 13th Street Lincoln, NE 68508</p> <p>9590 9402 2390 6249 2879 45</p> <p>2. Article Number (Transfer from service label) 7016 1970 0000 6977 4000</p> <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Beth Keen</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

Domestic Return Receipt

(Sheriff or authorized person)

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,

TO THE PARTY: Nash-Finch Co.

At the following address: Suite 1900, 233 South 13th Street
Lincoln, NE 68508

on the 12th day of October, 2017, as required by Nebraska state law.

Postage \$ 6.59 Attorney for: Plaintiff

The return receipt for mailing to the party was signed on October 16, 2017

To: Nash-Finch Co.
 Suite 1900
 233 South 13th Street
 Lincoln, NE 68508

From: Andrew Snyder
 1714 Second Avenue
 P.O. Box 2424
 Scottsbluff, NE 69363-2424

ATTACH RETURN RECEIPT & RETURN TO COURT

Certificate of Service

I hereby certify that on Wednesday, October 25, 2017 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Nash-Finch Co. service method: No Service

Signature: /s/ Snyder,Andrew,W, (Bar Number: 20611)